

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

vs.

Criminal No. 13-270

ATIBA WARREN,
Defendant.

Transcript of Jury Trial Proceedings on Friday, October
30, 2015, United States District Court, Pittsburgh,
Pennsylvania, before Mark R. Hornak, District Judge.

APPEARANCES:

For the Government:

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For the Defendant:

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Proceedings recorded by mechanical stenography; transcript
produced by computer-aided transcription.

1 (Proceedings held in open court; Friday, October 30, 2015.)

2 THE COURT: We're here in the case of the United
3 States of America versus Mr. Atiba Warren, pending on the
4 docket of the Court at 13-CR-270.

5 The Court would note that Mr. Warren is present,
6 represented by his counsel, Mr. Sindler.

7 Ms. King and Mr. Ortiz are here on behalf of the
8 United States.

9 Mr. Babik, it's my understanding the jury has
10 signaled you that they have reached a verdict.

11 Is that correct, sir?

12 MR. BABIK: That's correct.

13 THE COURT: Ms. King and Mr. Ortiz, is there any
14 reason the jury cannot be brought back to the courtroom for a
15 verdict?

16 MS. KING: No, Your Honor.

17 THE COURT: Mr. Sindler, is there any reason the
18 jury cannot be brought back to the jury room to return a
19 verdict?

20 MR. SINDLER: No.

21 THE COURT: The Court would also note that Alternate
22 Jurors 1 and 2 have been brought to the courtroom and are
23 seated in the back of the courtroom.

24 (Jury enters the courtroom.)

25 THE COURT: Ms. Kienzle, if you'd note for the

1 record that all twelve sworn members of the jury have returned
2 to the courtroom.

3 Ladies and gentlemen of the jury, the Court has been
4 advised by its deputy that you have signaled him that a
5 unanimous verdict has been reached and has returned.

6 Will the juror who has been selected as the
7 foreperson please rise.

8 Mr. Babik, the Court would note that Juror No. 2 has
9 risen.

10 Sir, are you the foreperson of the jury.

11 THE FOREPERSON: Yes, Your Honor, I am.

12 THE COURT: Mr. Foreperson, has the jury reached a
13 unanimous verdict?

14 THE FOREPERSON: Yes, we have.

15 THE COURT: Has the verdict form prepared and
16 provided by the Court been completed and signed consistent with
17 the Court's instructions?

18 THE FOREPERSON: Yes, sir, it has.

19 THE COURT: Is that signed and completed verdict
20 form sealed in this brown envelope?

21 THE FOREPERSON: Yes, it is.

22 THE COURT: Can you confirm it is a unanimous
23 verdict?

24 THE FOREPERSON: Yes, it is.

25 THE COURT: Counsel, is there any reason the Court

1 may not unseal the verdict envelope?

2 MS. KING: No.

3 THE COURT: Mr. Sindler?

4 MR. SINDLER: No.

5 THE COURT: The Court will now do so.

6 Mr. Babik, if you could please observe.

7 The Court is removing a single verdict sheet. There
8 is nothing else in the envelope.

9 The Court will now inspect the verdict.

10 The Court has before it a verdict form which appears
11 to be regular in format.

12 A verdict has been recorded upon it.

13 There are twelve signatures.

14 It is dated this date, October 30, 2015.

15 Ladies and gentlemen of the jury, I will now direct
16 Mr. Babik to publish the verdict. That means he will read it
17 aloud in open court. Please listen carefully because once he
18 has concluded that, he will poll you, that is, he will ask each
19 of you whether this is your true and correct verdict.

20 Mr. Babik, you may publish the verdict.

21 MR. BABIK: In the United States District Court for
22 the Western District of Pennsylvania, Criminal Action 13-270,
23 the United States of America versus Atiba Warren - Verdict
24 Form.

25 No. 1. As to the charge at Count One of the

1 indictment in this case, how do you unanimously find the
2 defendant, Atiba Warren?

3 Guilty.

4 Your Honor, the verdict form bears twelve
5 signatures, including that of the foreperson, dated October 30,
6 2015.

7 THE COURT: Mr. Babik, will you please poll the
8 jury.

9 MR. BABIK: Juror No. 1, will you please stand.
10 Is the verdict as read your verdict?

11 JUROR NO. 1: Yes.

12 MR. BABIK: Thank you, please be seated.

13 Juror No. 2, please stand.

14 Is the verdict as read your verdict?

15 JUROR NO. 2: Yes.

16 MR. BABIK: Thank you, please be seated.

17 Juror No. 3, please stand.

18 Is the verdict as read your verdict?

19 JUROR NO. 3: Yes.

20 MR. BABIK: Thank you, please be seated.

21 Juror No. 4, please stand.

22 Is the verdict as read your verdict?

23 JUROR NO. 4: Yes.

24 MR. BABIK: Thank you, please be seated.

25 Juror No. 5, please stand.

1 Is the verdict as read your verdict?

2 JUROR NO. 5: Yes.

3 MR. BABIK: Thank you, please be seated.

4 Juror No. 6, please stand.

5 Is the verdict as read your verdict?

6 JUROR NO. 6: Yes.

7 MR. BABIK: Thank you, please be seated.

8 Juror No. 7, please stand.

9 Is the verdict as read your verdict?

10 JUROR NO. 7: Yes.

11 MR. BABIK: Thank you, please be seated.

12 Juror No. 8, please stand.

13 Is the verdict as read your verdict?

14 JUROR NO. 8: Yes.

15 MR. BABIK: Thank you, please be seated.

16 Juror No. 9, please stand.

17 Is the verdict as read your verdict?

18 JUROR NO. 9: Yes.

19 MR. BABIK: Thank you, please be seated.

20 Juror No. 10, please stand.

21 Is the verdict as read your verdict?

22 JUROR NO. 10: Yes.

23 MR. BABIK: Thank you, please be seated.

24 Juror No. 11, please stand.

25 Is the verdict as read your verdict?

1 JUROR NO. 11: Yes.

2 MR. BABIK: Thank you, please be seated.

3 Juror No. 12, please stand.

4 Is the verdict as read your verdict?

5 JUROR NO. 12: Yes.

6 MR. BABIK: Thank you, please be seated.

7 Your Honor, the jury has been polled.

8 THE COURT: Thank you, Mr. Babik.

9 I direct that you record the verdict form consistent
10 with the procedures of the Court.

11 Ms. King and Mr. Ortiz, are there any matters that
12 the United States wishes to bring to the Court's attention
13 regarding the return and receipt of the verdict or the polling
14 of the jury?

15 MS. KING: No, Your Honor.

16 THE COURT: Does the United States have any reason
17 to believe that the Court may not at the appropriate time in a
18 few moments discharge the jury and the alternate jurors from
19 further service?

20 MS. KING: No.

21 THE COURT: Mr. Sindler, are there any matters you
22 wish to bring to the Court's attention on behalf of Mr. Warren
23 regarding the return and receipt of the verdict, its regularity
24 or its polling?

25 MR. SINDLER: No.

1 THE COURT: Mr. Sindler, are there any reasons on
2 behalf of the defendant that the Court may not discharge the
3 jury and the alternate jurors from further service in a few
4 moments?

5 MR. SINDLER: No.

6 THE COURT: Ladies and gentlemen of the jury, and
7 the alternate jurors, your service to the Court and to the
8 United States courts will in a few moments when I formally
9 discharge you from service come to an end.

10 As I advised you during voir dire when we all met
11 for the first time, perhaps with only the exception of service
12 in the United States military during times of national crisis,
13 there's no higher service that a citizen provides to the
14 nation, to our system of government, and to our system of
15 justice than serving on a jury here in federal court.

16 On behalf of myself, all of the members of the
17 Court's staff, on behalf of my colleagues, on behalf of all of
18 those who have participated in this trial and trials to come,
19 you have the Court's sincere thanks and appreciate for your
20 hard work, your dedication, and your commitment to service as
21 jurors in this proceeding. In a few moments, I will formally
22 discharge you from further service.

23 Mr. Babik will assist you to the jury room, we did
24 because we don't know the length of deliberations arrange for
25 lunch to be brought in to you. That will be available to you.

1 I will have some time after you've had an opportunity to have
2 your lunch and before my next proceeding to meet with any
3 members of the jury, as a group, that would like to meet with
4 me in chambers to address any questions about the overall
5 process or systems that we have here in the federal courts.
6 I'd be happy to do so. That's purely a matter up to you if you
7 want to avail yourself of that opportunity.

8 Again, on behalf of this Court, and all of the
9 members of our federal court system, thank you very much for
10 your service and commitment to your very important, serious,
11 and somber duties.

12 Ms. King and Mr. Ortiz, is there any reason that I
13 cannot discharge the jury and alternate jurors from further
14 service?

15 MS. KING: No, Your Honor.

16 THE COURT: Same question of you, Mr. Sindler.

17 MR. SINDLER: No.

18 THE COURT: The Court hereby discharges the members
19 of the jury and the alternate jurors from further service in
20 these proceedings.

21 Mr. Babik, would you please assist the jury to the
22 jury room.

23 (Jury is dismissed from the courtroom.)

24 THE COURT: The alternate jurors can remain in the
25 back of the courtroom for a few moments. Mr. Greer will come

1 out and see you in a few moments to pass some information along
2 to you.

3 I will by further order of court today direct that
4 the United States Office of Probation and Pretrial Services
5 prepare a presentence report regarding the defendant,
6 Mr. Atiba Warren.

7 I will set a date for sentencing by further written
8 order today. I'm not prepared to state that date on the record
9 at this time.

10 Mr. Warren, it's my understanding, has been in
11 custody and has not been on bond.

12 Is that correct?

13 MS. KING: Yes, Your Honor.

14 THE COURT: Mr. Sindler, is there any reason you
15 want to bring to the Court's attention that would cause the
16 Court to reconsider the detention order that is now in place as
17 to Mr. Warren?

18 MR. SINDLER: No.

19 THE COURT: Mr. Warren will be remanded to the
20 custody of the United States Marshal Service.

21 An order setting a date of sentencing will be issued
22 in due course by the Court. A written order will be issued
23 this afternoon directing the Office of Probation and Pretrial
24 Services to prepare and circulate in the usual fashion a
25 presentence report.

1 Ms. King and Mr. Ortiz, are there any other matters
2 to bring to the Court's attention on behalf of the United
3 States?

4 MS. KING: No, Your Honor. Thank you.

5 THE COURT: Thank you, Ms. King and Mr. Ortiz.

6 Mr. Sindler, are there any other matters to bring to
7 the Court's attention?

8 MR. SINDLER: When you consider setting a date as
9 you will later on today, keep in mind there has already been a
10 pre-plea sentence report done, so a lot of the heavy lifting
11 that is typically done has already been accomplished. I'm only
12 bringing that up because there is typically a significant lag
13 between a conviction and a sentencing date and I bring it up in
14 order to see that or in order to see that there may be a sooner
15 date than perhaps later.

16 THE COURT: I appreciate you bringing that up,
17 Mr. Sindler. I will consult with the probation office to
18 determine the earliest possible date that we can have those
19 reports prepared and circulated to counsel and set a sentencing
20 date.

21 I believe you're likely correct in this case, it can
22 be sooner than would ordinarily occur in other cases.

23 Anything else to be brought to the Court's
24 attention, Mr. Sindler?

25 MR. SINDLER: No.

1 THE COURT: In a moment, I'll ask Mr. Greer to
2 adjourn the Court. I would ask those present in the courtroom
3 to remain seated and at ease while the marshals assist
4 Mr. Warren.

5 Mr. Greer, you may adjourn the Court.

6 MR. GREER: This honorable court is adjourned.

7 (Court adjourned.)

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9 CERTIFICATE

10

11 I, Juliann A. Kienzle, certify that the foregoing is
12 a correct transcript from the record of proceedings in the
above-titled matter.

13

s/Juliann A. Kienzle, RMR, CRR

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Juliann A. Kienzle, RMR, CRR

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